

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LUIS TEJERO,

Plaintiff,

v.

**PORTFOLIO RECOVERY
ASSOCIATES, LLC and WESTERN
SURETY COMPANY,**

Defendants.

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Case No. 1:16-CV-00767-SS

JOINT MOTION FOR DISMISSAL

COME NOW, Luis Tejero (“Plaintiff”) and Portfolio Recovery Associates, LLC and Western Surety Company (“Defendants”) (collectively “the Parties”), and file this Joint Motion for Dismissal, and will show onto this Court as follows:

I.

1. On April 2, 2018, the Court entered an order denying Plaintiff’s claim for attorney fees, granting Defendants attorney fees, and entering sanctions against Plaintiff’s attorneys [Dkt #52 (the “April 2 Order”)]. In the April 2 Order, the Court ordered the parties to file a final notice of settlement “if there are no pending issues in this case” or a notice advising the Court if “any issues remain.” [Dkt #52, p. 11.]

2. Plaintiff submitted his “Final Notice of Settlement Status Report” on April 18, 2018, informing the Court that he was “still evaluating his response, if any, to the Court’s April 2, 2018 sanctions order....” [Dkt. #55.] Also on April 18, 2018. Defendants submitted their “Final Notice of Settlement,” informing the Court that “[w]ith the entry of the Court’s order in Doc. 52, all pending matters that required the Court’s attention have been resolved at this time. Plaintiff’s Counsel has not remitted payment of the Judgment as requested as of the date of filing.” [Dkt.

#53, p. 1.] Defendants also informed the Court that “[t]he filing of this notice does not constitute a release of the monetary judgment provided in Doc. 52.” [Dkt. #53, p. 12.]

3. The settlement paperwork in this case has been completed and fully executed as to Plaintiff’s underlying claims as previously reported to this Court.

4. The Parties now file this Joint Motion for Dismissal and request that this Court dismiss with prejudice all Plaintiff’s underlying claims against Defendants in this case and enter a final order of dismissal. A proposed order to this effect is attached to this Joint Motion for Dismissal.

5. This Joint Motion for Dismissal is not a consent judgment.

6. WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that this Court dismiss with prejudice all Plaintiff’s underlying claims against Defendants and enter a final order dismissing this case.

AGREED AS TO FORM AND CONTENT:

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